

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEVAN JOHNSON,

Plaintiff,

v.

CONTINENTAL AIRLINES
CORPORATION

Defendant.

Civil Action No: 04-10902 (PBS)

AFFIDAVIT OF CHRISTINA GARCIA

I, Christina Garcia, make the following affidavit based on my personal knowledge unless otherwise stated.

1. I am currently employed by Continental Airlines Corporation ("Continental") as a Human Resources Assistant, reporting to Katherine Churchill. I have held this position since February 2004.

2. In late March 2004, I was asked to get in touch with Stevan Johnson to inform him that a Step 3 appeal hearing had been scheduled for him. I made three attempts to do so, one by voicemail on March 24 and two by both telephone and e-mail on March 29, 2004. My attempts were not successful.

3. On March 31, 2004, I sent the letter attached at Tab A hereto to Mr. Johnson, informing him that a Step 3 appeal hearing had been scheduled for April 13, 2004.

4. On April 2, 2004, I received a telephone call from Mr. Johnson in which he told me that he received my letter. Then, he said: "I don't know who you talked to but I did not request a Step 3 appeal." When I hung up the telephone, I told Jonathan Boswell, a Human Resource Manager at Continental, what Mr. Johnson told me.

5. On April 5, 2004, Mr. Boswell wrote to Mr. Johnson informing him that, based on Mr. Johnson's conversation with me, his internal appeal case was closed. I have attached a copy of Mr. Boswell's letter at Tab B hereto.

Signed under the penalties of perjury this 10th day of June 2004.



Christina Garcia

Exhibit A



Continental Airlines



PRIORITY MAIL DELIVERY

Continental Airlines, Inc.
Post Office Box 60410
Houston, TX 77260-0410

March 31, 2004

Stevan Johnson
P. O. Box 121
Boston, MA 02117

Dear Stevan,

I have received your request for a Step 3 appeal hearing. Your Step 3 appeal hearing has been scheduled for Tuesday, April 13, 2004 at 1:00 PM. However, we have tried on numerous of occasion to contact you to confirm that this date is acceptable and we have not heard from you.

3/24 - left message on voicemail (713)320-6979

3/29 - called and I had no answer

3/29 - sent e-mail (stevanjohnson@yahoo.com)

Since you have not contacted me as you were directed in your second step decision, we are proceeding with this date and time. The hearing will be held in Large Conference Room #3530 on the Southside Mezzanine Level of Terminal C, LAX. If you choose to have an EIT Representative at this appeal hearing, it is your responsibility to inform them of the date, time and place of this appeal hearing. It is also your responsibility to coordinate with your EIT Representative to gain access through the security checkpoint at the airport.

Please refer to Section 13,¹ D, 1., d, for information regarding the appeal packet. At least 3 calendar days prior to the scheduled appeal, the team member must deliver the completed hearing package to our office. If there are no changes to your Step 2 hearing package, you may notify our office of this in lieu of submitting the package. Note that Section 13, D, 2, c, IV, specifies that "any new information not presented at the previous hearing step must be shared with the other party 48 hours prior to the scheduled hearing date, or will not be allowed without the consent of both parties."

In addition, if you are planning to bring legal counsel, you must notify this office a minimum of three calendar days prior to your appeal date. As stated in the Fly To Win Handbook:


...he/she may request assistance from an attorney at his/her own cost who may attend the hearing and advise and consult with the team member, but the attorney may not otherwise participate. Human Resources must be notified in advance if a team member will have an attorney present.

Upon arrival for your Step 3, you will need to be prepared with seven (7) complete sets of your appeal package for those present at the appeal. These copies are to be prepared prior to your arrival at your appeal.

¹ In correspondence you have sent Continental's Boston counsel, you repeatedly refer to section 12. The section to which you refer is the old appeal process. I am enclosing a copy of the current appeal process in use.

Should you have any questions, please contact me at 281-553-1961.

Sincerely,

A handwritten signature in cursive script that reads "Garcia".

Christina Garcia
Human Resource Assistant

cc: File

Exhibit B



Continental Airlines, Inc.
Post Office Box 67000
Houston, TX 77267

April 5, 2004

Stevan Johnson
P. O. Box 121
Boston, MA 02117

RECEIVED
APR 06 2004

Dear Stevan,

This will confirm your telephone call on April 2, 2004 with Christina Garcia. You initiated this phone call in response to Christina's March 31, 2004 letter notifying you of your Step 3 hearing date of April 13, 2004 at 1:00 PM. In this phone call, you advised Christina that you **never requested a Step 3 appeal.**

We now consider this matter closed.

Sincerely,

A handwritten signature in cursive script that reads "Jonathan Boswell".

Jonathan Boswell
Human Resource Manager

cc: File

bcc: Lou Obdyke